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Paper No. 9

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In re Application of
Waldemar Pfrengle
Application No. 09/879,258
Filed: June 12, 2001
Attorney Docket No. AM100186-00

OFFICE OF PETITIONS

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(b)

This is in response to the renewed petition filed under 37 CFR 1.47(b) on June 10, 2002.

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration of Tanja Bortt establishes that a copy of the application was sent to the non-signing inventor. However, while the application papers were received, the inventor has not returned an executed declaration. In addition, petitioners have shown that BASF Aktiengesellschaft has a proprietary interest in the above-identified application by presenting a copy of an assignment by the inventor of his entire right, title, and interest in the invention to American Cyanamid Company¹. Petitioner has submitted a declaration in compliance with 37 CFR 1.63, 1.64, and 1.175 and has demonstrated that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹Petitioner provides evidence of a subsequent assignment from American Cyanamid Company to BASF Aktiengesellschaft.